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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/062,683	01/31/2002	Mark Christopher Doyle	263/185	2180

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EXAMINER

LAM, ANN Y

ART UNIT PAPER NUMBER

3763

DATE MAILED: 03/28/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

N.K

Office Action Summary	Applicant(s)	DOYLE ET AL.	
	Application No.	10/062,683	
	Examiner	Art Unit	
	Ann Y. Lam	3763	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Righi et al., 5,562,624.

As to claims 1 and 21-29, Righi et al discloses a body (1 and 3) having an open proximal end and a distal end having an opening through which a needle and needle protector cap may extend, see Figure 2; a shield (12, 16 and 23) having proximal and distal ends, the distal end having an opening as claimed, the shield being slidably attached to the body, and slidable between an unguarded and guarded position wherein the needle is covered by the shield; one or more tabs (16) in a wall of one of the body and shield, the one or more tabs being deflectable from a first position wherein the tab extends along the wall or radially outwardly from the wall, to a second position wherein the tab is directed inwardly into the cavity; and one or more detents on the shield, see column 6, lines 14-27.

As to claims 2, 3, 4, 5, 7, the tabs comprise a pair of tabs (16) in opposing walls of the body, and being connected to the wall by a hinged region.

As to claim 6, a finger grip as claimed is disclosed on the proximal end of the body, see Figure 1.

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As to claim 8, the syringe comprises a needle protector cap (5) and a barrel (3) as claimed.

As to claim 9, an opening in the shield is disclosed at the proximal end of (12).

As to claims 10, 11, a syringe comprising a barrel (203) and a needle protector cap (5); and a radial element extending from the barrel is disclosed at (23); and a body (26), and a shield (16), as claimed is disclosed.

As to claims 12, 13, 15, the radial element (23) is an annular collar as claimed, and is secured to the barrel (203) by a mechanical interference, see Figure 8.

As to claim 14, the collar is (303) and the barrel is (203, wherein the collar is integrally molded as part of the barrel.

As to claim 16, 17, the radial element (23) comprises a plurality of tabs extending from the barrel, disposed circumferentially about the barrel. see Figure 8.

As to claim 18, a locking mechanism (10) as claimed is disclosed.

As to claim 19, the locking mechanism (10) comprises detents defining a slot as claimed, see Figure 1.

As to claim 20, the syringe is a pre-filled syringe.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ann Y. Lam whose telephone number is (703) 306-5560. The examiner can normally be reached on T-F 8-6:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Casler can be reached on (703)308-3552. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-3590 for regular communications and (703)306-4520 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0858.

A.L.

March 24, 2003


BRIAN L. CASLER
SUPERVISORY PATENT EXAMINER
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